

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2019

CORAM:

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.31830 of 2019
and WMP Nos.32070 to 32072 of 2019

- 1.Bensan Exim Corporation
Rep. by its Partner
Ms.Jayashree Rao
No.1, Sivaswamy Avenue
MGR Road, Palavakkam
Chennai - 600 041.
 - 2.Chennai Cashew Company
Rep. by its Partner
Mr.Syed Afsar Zaman
Regency House, II Floor
No.341, Anna Salai
Teynampet, Chennai - 600 006.
 - 3.Shaikh Sophia Zeenath
 - 4.Syed Afsar Zaman
 - 5.Jayashree Rao ... Petitioner
- Vs

The Authorised Officer
Religare Finvest Ltd., Bascon IT Park
12th Floor, New Door No.10/2, Old Door No.56L
Venkat Narayana Road, T.Nagar
Chennai - 600 017. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records of the Possession Notice published in The New Indian Express on 14.08.2019 under Section 13(4) of the SARFAESI Act issued by the respondent and quash the same and further direct the respondent to accept the One Time Settlement proposal of the petitioners.

For Petitioner : Mr.S.Sivasangarane

ORDER

[Order of the Court was made by Dr.VINEET KOTHARI, J]

This petition has been filed against the return of the application under Section 17 of the SARFAESI Act to the petitioner/borrower [wrongly described as 'appeal', despite amendment to Section 17, describing the proceedings under Section 17 to be an 'application' not an 'appeal').

2. From a perusal of the office report of DRT dated 25.10.2019, it is clear that the application filed under Section 17 of the SARFAEST Act, has not so far been disposed of by the Debt Recovery Tribunal and only three defects have been pointed out. Defect No.1, is that the application is barred by limitation and no orders of dismissal has been passed so far. The second and third defects/compliances sought from the petitioner are serving the caveator and summons is not in the correct format.

3. Even these defects/compliances have not been made by the petitioner/borrower. Therefore, we are not inclined to interfere in the matter at this stage. The petitioners are at liberty to comply with the defects/compliances pointed by the office of the DRT and thereafter, seek appropriate orders from the Bench of the DRT.

4. With the above liberty, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To
The Authorised Officer,
Religare Finvest Ltd., Bascon IT Park
12th Floor, New Door No.10/2, Old Door No.56L
Venkat Narayana Road, T.Nagar, Chennai - 600 017.

+1cc to Mr.S.Sivasangarane, Advocate SR.94342

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srg 17/12/2019